XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.MP 169/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR
SINGLE BENCH : HON'BLE SHRI DHIRENDRA MISHRA, J
CR.M.P. NO. 169 OF 2007

APPLICANTS

1. Son Sai, S/o. Dakhal, Aged about 40 years
2. Shyam Bihari, S/o. Dakhal, Aged about 42 years
3. Ronha S/o. Dakhal, aged about 45 years

All are by caste Gond, All r/o. village Silouta, P.S. & Tahsil Pratappur

Vs.

NON-APPLICANTS

1. Ram Chandar, S/o. Gahbal Aged about 40 years
2. Mohan S/o. Rameshwar Aged about 45 years
3. Sodhan, S/o. Rameshwar, Aged about 42 years
4. Nadhir S/o. Rajaram Aged about 45 years
5. Sahbar S/o. Murali, Aged about 60 years
6. Sumantu S/o. Murali, Aged about 28 years

All by caste Gond, R/o. Village Silouta, P.S. and Tahsil Pratappur Distt. Sarguja (CG)

25.07.2007

Shri D.N.Prajapati, counsel for the petitioner.

Shri G.K.Beriwal, Dy. A.G. for the State.

Heard on admission.

The petitioners have preferred this application under Section 482 of the Cr.P.C. for quashment of the orders passed

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

by learned Sessions Judge (FTC) Pratappur in Cr. Revision No. 174/2006 & the order passed by learned Sub Divisional Magistrate in Criminal Case No. 276/2004 dated 23.06.2006 as the criminal revision has been dismissed and order of the learned Sub Divisional Magistrate rejecting application under Section 145 of the Cr.P.C. has been confirmed.

Learned counsel for the applicant submits that from the perusal of both the records it would be evident that the applicants are recorded owners of the disputed land. However, learned Sub Divisional Magistrate on the basis of erroneous appreciation of evidence available on record has held that the non applicants were in possession since before and accordingly directed return of the attached land to the non applicants.

From perusal of the orders passed by both the Courts below it is observed that according to the Courts below the non applicants were in possession of the attached property before two months from filing the proceedings under Section 145 of the Cr.P.C. and on the basis of such finding the order impugned has been passed. Taking into consideration the findings of both the Courts below no interference is called for.

In the result, the petition being devoid of substance is liable to be dismissed at the admission stage itself and is accordingly dismissed.

Sd/-
Dhirendra Mishra
Judge

GRPRJ — FS/246— 2/2007 — 50,000.